

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, *ET AL.*,
Plaintiffs,

v.

GREG ABBOTT, ET AL.,
Defendants.

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No. 1:20cv01006-RP¹

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF TRAVIS COUNTY

Travis County respectfully moves the Court for leave to file an *amicus curiae* brief (attached as Exhibit A) supporting Plaintiffs' request for preliminary injunctive relief as to the Governor's Proclamation of October 1, 2020.

Travis County is a political subdivision of Texas and is directly and adversely affected by the October 1 Proclamation that is the subject of this lawsuit, as further detailed in the proposed *amicus curiae* brief. In particular, its conduct of the November 3 election is one of the central matters in this case.

The first possible regular meeting of the Travis County Commissioners Court after the Governor's late issuance of his latest proclamation on elections and drop-off boxes for marked mail ballots was Tuesday, October 6, 2020. At that meeting, in the early afternoon, the Commissioners Court voted 4-0, with one Commissioner absent,

¹ The case *Laurie-Jo Straty, et al. v. Gregory Abbott, et al.*, No. 1:20CV1015-RP, is consolidated with this case until pending motions for preliminary injunction are resolved. Order of Oct. 6, 2020 (ECF No. 21). This *amicus* brief therefore is filed as to both cases.

to authorize the filing of an *amicus curiae* brief in this matter. The proposed attached brief is the County's brief in light of the Commissioners' Court resolution.

The attached brief is the one filed electronically early in the evening on October 7, but through the electronic filing portal in this case for Defendant Dana DeBeauvoir. It was not accompanied by a formal motion for leave to file it since below-signed counsel's review of this Court's local rules, nor of any other rules, did not unearth a requirement for a motion.

Nonetheless, out of an abundance of caution, Travis County is now filing a motion for leave to file the brief. Below-signed counsel conferred by e-mail with other counsel in the case during the evening of October 7 about their positions should this motion be filed. Counsel for all parties except the Governor and Secretary of State responded, stating that the motion for leave to file was unopposed. Counsel for the Governor and Secretary of State have not responded to the inquiry.

Based upon the foregoing matters, Travis County urges the Court to grant this motion and authorize the filing of the *amicus curiae* brief that is attached.

Respectfully submitted,

____/s/ Renea Hicks_____
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ATTORNEYS FOR *AMICUS CURIAE* TRAVIS
COUNTY

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of October, 2020, I electronically submitted the foregoing with the Clerk of Court for filing using the CM/ECF system, which will send electronic notification of such filing to the other counsel of record.

/s/ Renea Hicks
Renea Hicks